

BOULT ■ CUMMINGS
CONNERS ■ BERRY PLC

REC'D TN
REGULATORY AUTH.

Henry Walker
(615) 252-2363
Fax: (615) 252-6363
Email: hwalker@boultcummings.com

December 28, 2001 12:30 PM

OFFICE OF THE
EXECUTIVE SECRETARY

David Waddell, Esq.
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

In Re: All Telephone Companies Tariff Filings Regarding
Reclassification of Pay Telephone Service as Required by FCC
Docket No. 96-128
Docket: 97-00409

Dear David:

In a Notice issued by your office on December 13, 2001, you ask the Tennessee Payphone Owners Association ("TPOA") and Sprint/United to identify any remaining discovery disputes and to comment on the need for an evidentiary hearing to fix payphone line rates for Sprint/United.

As the attached filings indicate, there are a number of unresolved discovery issues. Attached are TPOA's "Motion to Compel Responses to Second Data Requests" and a "Third Set of Data Requests." Both the Motion and the Third Set of Data Requests concern the revised cost study filed by Sprint/United on October 10, 2001. Although the cost study is based on shorter, average loop lengths than the carrier's earlier studies, the revised model improbably shows higher loop costs, apparently because of "updated" labor and material costs and other adjustments. TPOA has asked several interrogatories concerning these adjustments but Sprint/United has thus far failed to identify, quantify or justify any of these changes. TPOA is therefore filing a Motion to Compel and additional discovery questions.

Until TPOA receives and evaluates this information, TPOA cannot say whether an evidentiary hearing is necessary.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


Henry Walker

HW/nl
Enclosures
c: parties

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12/28/2001

LAW OFFICES
414 UNION STREET • SUITE 1600 • P.O. BOX 198062 • NASHVILLE • TN • 37219
TELEPHONE 615.244.2582 FACSIMILE 615.252.6380 www.boultcummings.com

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

**IN RE: ALL TELEPHONE COMPANIES TARIFF FILINGS REGARDING
 RECLASSIFICATION OF PAY TELEPHONE SERVICE.**

Docket No. 97-00409

MOTION TO COMPEL RESPONSES TO SECOND DATA REQUESTS

The Tennessee Payphone Owners Association ("TPOA") requests that the Hearing Offices issue an order compelling Sprint/United Telephone-Southeast, Inc. ("Sprint") to answer questions 2a, 2b, 2c, 4a, 4b, 4c, 5b, 5e, 7g and 7h from TPOA's Second Data Requests. In support of this Motion, TPOA submits the following description of each question and Sprint's response.

Questions 4a, 4b and 4c

In its October 10, 2001 cost study, Sprint stated that the Sprint Loop Cost Model had been "updated" to reflect current material prices and labor rates. Questions 4a, 4b, and 4c ask for a "listing of all inputs" which were "updated." TPOA further asked the company to provide "for each changed input" a comparison of the values used in the carrier's earlier cost studies and to provide supporting documentation for making each change.

Sprint's Response

Instead of providing a list of each input which had been changed, the company gave a list of broad categories (i.e., "cable, poles, manholes"). Instead of giving a comparison of the different "values" used in the carrier's March, May, and October studies, the company provided a set of workpapers from the October study but no corresponding workpapers for the earlier studies. Furthermore, the company provided no documentation to support any of the updated inputs. As a result, there is no way to determine which inputs were changed, how much they were changed, or why they were changed.

Question 5(b)

Sprint stated in its cost study that all payphone locations in Sprint's service area were "geocoded to wire center maps." To verify the results, TPOA requested a copy of "the resulting map for each wire center."

Sprint's Response

Sprint provided one map of all payphone locations in Sprint's service area. The company failed to provide a geocoded map for each wire center as requested.

Questions 5e, 7g and 7h

Each of these questions asks Sprint to separate information regarding PTAS lines from cost information about non-PTAS lines. The information is necessary because PTAS lines have cost characteristics different from other payphone lines.

Sprint's Response

Sprint neither provided such information nor offered any reason for its failure to provide the information.

Questions 2a, 2b, and 2c

Question 2a requests an explanation of "all changes" that cause the entries in the column "USF ROR 5/1/2001 Filing" to differ from the entries in the column labeled "USF ROR Geocoded." (The former column contains results from the May cost study; the latter column contains results from the October study.) Questions 2b and 2c request supporting documentation for these changes.

Sprint's Response

Sprint's answer refers to the "October 10, 2001 Sprint ROR" study and to the "USF ROR Geocoded" study, both of which contain results from the October study. Sprint did not provide the comparative data from the "5/1/2001" study as requested by TPOA nor did Sprint submit any supporting documentation for these changes. Here again, the purpose of the question is to identify and investigate all the changes, in inputs and methodology, between the May cost study and the October study. Sprint again failed to produce the requested information.

Conclusion

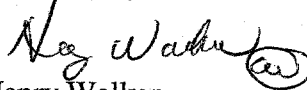
The revised loop cost study filed by Sprint on October 10, 2001, is based on shorter loop lengths than the May study but shows significantly higher total cost per loop.¹ TPOA's questions are intended to require Sprint to explain, in detail, how and why this is so. The

¹ In some cases, the reported investment per line has increased by nearly 500% despite shorter loop lengths. See TPOA's Third Set of Data Requests, Questions 5 and 6.

company has utterly failed to comply with these very basic requests for information. Furthermore, Sprint has chosen to ignore requests that the carrier separate information concerning PTAS lines, which are primarily used by TPOA members, from other payphone lines, which are used primarily by Sprint's own payphones. Despite TPOA's repeated requests for PTAS-specific information, Sprint's answers continue to refer to all "payphone" lines, not to PTAS lines.

In order for the TPOA and the TRA to establish cost-based rates for PTAS lines, Sprint must be compelled to respond to these questions.²

Respectfully submitted,



Henry Walker

BOULT, CUMMINGS, CONNERS & BERRY, PLC
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, TN 37219
(615) 252-2363
Counsel for Tennessee Payphone Owners Association

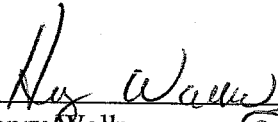

² TPOA has also filed a "Third Set of Data Requests" in a further effort to extract the information needed to understand the difference between the May and October cost studies and to develop cost-based PTAS rates. If Sprint is ordered to answer fully the questions in the Second Set of Data Responses, several of the questions in the Third Set may be duplicative.

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2001, a copy of the foregoing document was served on the parties of record, via hand delivery or U.S. First Class Mail addressed as follows:

Tim Phillips, Esquire
Consumer Advocate and Protection Division
425 Fifth Avenue North, 2nd Floor
Nashville, Tennessee 37243-0500

James Wright, Esquire
United Telephone-Southeast
14111 Capitol Blvd.
Wake Forest, NC 27587


Henry Walker 

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: ALL TELEPHONE COMPANIES TARIFF FILINGS REGARDING
RECLASSIFICATION OF PAY TELEPHONE SERVICE.

Docket No. 97-00409

THIRD SET OF DATA REQUESTS FROM THE TENNESSEE PAYPHONE OWNERS'
ASSOCIATION TO SPRINT/UNITED TELEPHONE-SOUTHEAST, INC.

The Tennessee Payphone Owners Association ("TPOA") submits the following Third Set of Data Requests to Sprint/United Telephone-Southeast, Inc. ("Sprint"). The instructions and definitions are the same as in the Second Set of Data Requests. All references herein are to TPOA's Second Set of Data Requests and Sprint's responses thereto.

1. Refer to Sprint's response to 1a. Explain in detail why a change in the reported loop length has no impact on the investment in, or cost of, payphone loops.

RESPONSE:

2. Refer to Sprint's response to 1b, pages 2-16.
 - a. Provide a functioning electronic copy of this worksheet.
 - b. Provide the correct entries (for all rows) for the column entitled "Payphones per Grid," if only PTAS, rather than all payphone, lines are counted.

RESPONSE:

3. Refer to Sprint's response to 3b.

- a. Identify and describe the "billing database" used to compile the list of "current payphone addresses."
- b. Extract from this same database a list of current addresses for *PTAS lines only*, and provide the resulting information in the same format as the attachment to 3a.
- c. If Sprint contends that the billing database identified in response to part a of this request cannot be used to compile a list of addresses for PTAS lines, describe in detail the limitations of the database that make the extraction of such information impossible.
- d. Using the information developed in response to part b of this request, use the MapMarker software to create a map, in the same format as the attachment to Sprint's response to 3a, showing PTAS locations only.
- e. For each address in the list developed in response to part b of this request, provide the correct FDI code. For purposes of this request, the term "FDI code" is intended to have the same meaning as the title of the column entitled "FDI Code" on pages 2-16 of Sprint's attachment to 1b.

RESPONSE:

4. Refer to Sprint's response to 2a.
 - a. Is it Sprint's position that the difference in the values in the "USF ROR 5/1/2001 Filing" and the "USF ROR Geocoded" columns is completely explained by the use of "geocoded payphone service locations"?

- b. If the answer to part a of this request is yes, explain in detail why the use of shorter average loop lengths resulted in an increase in the average investment per loop.
- c. If the answer to part a of this request is anything other than an unqualified yes, describe in detail all changes in methodology, assumptions, inputs, or other data that cause the reported values in these columns to be different. For each listed change, describe in detail why the change was made and provide all workpapers or other supporting documentation.

RESPONSE:

The following requests contain proprietary data:

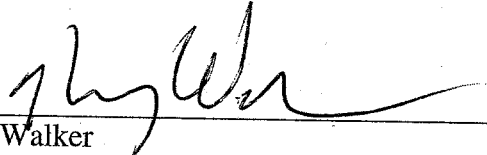
RESPONSE:

5. **PROPRIETARY DATA OMITTED.**
6. **PROPRIETARY DATA OMITTED.**

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


Henry Walker
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, Tennessee 37219
(615) 252-2363

Counsel for Tennessee Payphone Owners Association

CERTIFICATE OF SERVICE

I hereby certify that on 12/29, 2001 a copy of the foregoing document was served on the parties of record, via U.S. Mail, addressed as follows:

James Wright, Esquire
United Telephone-Southeast
14111 Capitol Blvd.
Wake Forest, NC 27587

Tim Phillips, Esq.
Consumer Advocate Division of the Attorney General's Office
426 5th Ave., North, 2nd Floor
Nashville, TN 37243


Henry Walker